

**THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : Chapter 13
: :
Chitra Sethuraman : Case No. 19-10096 (MDC)
: :
Debtor. : :
: :

**STIPULATION RESOLVING MOTION OF POLICE AND FIRE FEDERAL CREDIT
UNION FOR RELIEF FROM THE AUTOMATIC STAY**

WHEREAS, on January 7, 2019 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”);

WHEREAS, prior to the Petition Date, on October 26, 2015, the Debtor executed a mortgage and note, payable to Police and Fire Federal Credit Union (“PFFCU”), pursuant to which PFFCU provided a home equity loan to the Debtor secured by 7448 Rhoads Street, Philadelphia, Pa 19151 (the “Real Property”) in the original amount of \$20,000.00 (the “Home Equity Loan”);

WHEREAS, as of the Petition Date, Debtor was indebted to PFFCU in the amount of \$8,034.80 pursuant to the Home Equity Loan that is secured by the Real Property;

WHEREAS, the Debtor’s proposed Chapter 13 Plan provides that the Debtor will pay her post-petition Home Equity Loan payments directly to PFFCU outside of her plan;

WHEREAS, at of February 7, 2020, the Debtor is three months in arrears on her payments on the Home Equity Loan. Each monthly payment is \$386.57. The Debtor has not paid PFFCU for the post-petition months of August 2019, January 2020, and February 2020 for a total of \$1,159.71.

WHEREAS, on January 22, 2020, PFFCU filed a motion for relief from the automatic stay to exercise its with respect to the Real property due to the lack of adequate protection (the "Motion");

WHEREAS, on January 31, 2020, the Debtor filed a response to PFFCU'S Motion;

WHEREAS, to avoid the costs of litigation, the Parties have agreed to amicably resolve the Motion on the terms set forth herein.

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed as follows:

1. In order to satisfy her post-petition arrears in the amount of \$1,159.71, the Debtor and PFFCU have agreed to a six month payment plan. Beginning with her payment that is due March 6, 2020, the Debtor will pay PFFCU her regular monthly payment of \$386.57 plus \$194, for a total of \$580.57, each month through August of 2020. Thereafter, the Debtor shall remain current on her post-petition Home Equity Loan payments of \$386.57 to PFFCU.

2. Should the Debtor fail to comply with any of the terms of this Stipulation, counsel for PFFCU may serve counsel to the Debtor with a notice of default and Debtor shall have ten (10) days from the receipt thereof to cure the default in full or PFFCU may, without further notice, file a Certification of Default with the Court. Upon entry of the Certification of Default, the Court shall enter an order granting relief from the automatic stay as to the Property.

3. Each of the signatories to this Stipulation acknowledges and represents that their respective clients have reviewed this Stipulation and have authorized the execution of same by their undersigned counsel.

4. If the instant bankruptcy case is terminated by either dismissal or discharge other than pursuant to 11 U.S.C. § 1328(a), this Stipulation shall be null and void and not binding upon the Parties.

5. This Stipulation may be executed by facsimile and/or e-mail and such facsimile and/or e-mail signatures shall be deemed originals.

6. The signature pages of this Stipulation may be executed in counterparts, and such signature pages, when attached, shall constitute the entire document.

CONSENTED TO BY:

DILWORTH PAXSON LLP

DATED: February 7, 2020

/s/ Yonit A. Caplow
Yonit A. Caplow, Esquire
Attorney for PFFCU

CONSENTED TO BY:

Brad J. Sadek

DATED: 2/18/20

/s/
Brad J. Sadek
Attorney for Debtor

CONSENTED TO BY:

WILLIAM MILLER, ESQ., CHAPTER 13
TRUSTEE

DATED: 2/21/2020

/s/ 
William Miller
Chapter 13 Trustee

NO OBJECTION

SO ORDERED:

ENTERED ON: February __, 2020

The Honorable Magdeline D. Coleman
United States Bankruptcy Judge